

STATE OF MICHIGAN
IN THE SUPREME COURT

SALEM SPRINGS, LLC a Michigan
Limited Liability Company,

Plaintiff/Appellant,

v

SALEM TOWNSHIP,
a Michigan Municipal Corporation,
and LAWRENCE KASTENBAUM,
Clerk of Washtenaw County,

Defendants/Appellees.

and

NORMAN E. KLEIN, SR., NORMAN E.
KLEIN, JR., the CONCERNED CITIZENS
OF SALEM,

Intervening Defendants/Appellees.

Supreme Court No. 146002

Court of Appeals No. 312497

Washtenaw County Circuit Court
No. 2012-928-AW

**DEFENDANT/APPELLEE, SALEM TOWNSHIP'S BRIEF IN
RESPONSE TO EMERGENCY APPLICATION FOR LEAVE TO APPEAL**

FILED

OCT 24 2012

CORBIN R. DAVIS
CLERK
MICHIGAN SUPREME COURT

TABLE OF CONTENT

STATEMENT OF BASIS FOR JURISDICTION	2
STATEMENT OF QUESTION PRESENTED.....	3
STATEMENT OF FACTS.....	4
STANDARD OF REVIEW.....	10
ARGUMENT.....	11
CONCLUSION AND REQUESTED RELIEF.....	16

INDEX OF AUTHORITY

Cases

<i>Charter Township of Bloomfield v Oakland County Clerk</i> , 253 MichApp 1 (2002)	14
<i>Kavanaugh v Coash</i> , 347 Mich 579, 583 (1957)	12, 14
<i>Kernen v Homestead Development Co.</i> , 232 MichApp 503, at 509 (1998)	14
<i>Peninsula Sanitation, Inc. v Manistique</i> , 208 MichApp 34, 43 (1994)	13
<i>Pontiac Firefighters Union Local 375 v City of Pontiac</i> , 482 Mich 1, at 9 (2008)	14
<i>Reed v Burton</i> , 344 Mich 126 (1955)	12, 14
<i>Senior Accountants, et al v City of Detroit</i> , 218 MichApp 263 (1996)	passim

Statutes

MCL 125.3401(7)	7
MCL 125.3401(9)	6
MCL 125.3402	4, 8
MCL 125.3402(1)	6
MCL 125.3402(2)	8

STATEMENT OF BASIS FOR JURISDICTION

DEFENDANT/APPELLEE SALEM TOWNSHIP concurs in the Plaintiff's/Appellant's Jurisdictional Statement that Plaintiff timely filed its Emergency Application for Leave to Appeal from an Order of the Court of Appeals, dated October 8, 2012, denying Plaintiff's/Appellant's Emergency Application For Leave to Appeal the Trial Court's Order of September 24, 2012, and Denying Plaintiff/Appellant's Motion for Preemptive Reversal. Defendant/Appellee, Salem Township denies that Plaintiff/Appellant has demonstrated any of the grounds required by MCR 7.302B for this appeal. Furthermore, this Application will not prevent the referendum from being on the November 6, 2012, ballot as the ballots have already been printed, received by the Township Clerk and many absentee ballots have been distributed and returned, especially those ballots sent overseas to the military which were required to be mailed by September 22, 2012, pursuant to the Military and Overseas Voter Empowerment Act.

STATEMENT OF QUESTION PRESENTED

I. Should leave be granted to appeal the Court of Appeals denial of an Application to Appeal the Trial Court's denial of Plaintiff/Appellant's Motion for a Preliminary Injunction to enjoin Defendant from placing a referendum on the ballot where such an injunction is an extreme remedy seeking to nullify the results of an election, where the Motion for Preliminary Injunction was premature and not of urgent necessity, and where Plaintiff/Appellant has not demonstrated either irreparable harm or the lack of an adequate remedy of law?

Appellant responds: Yes.

Appellees respond: No.

The Trial Court and the Court of Appeals responded: No.

STATEMENT OF FACTS

I. INTRODUCTION

Plaintiff/Appellant, Salem Springs, LLC, seeks reversal of the Court of Appeals denial of Plaintiff's Application For Leave to Appeal to the Court of Appeals based upon the Trial Court's denial of its Motion for a Preliminary Injunction which sought to enjoin Defendant Township from placing a citizen's referendum on the ballot for the general election to be held on November 6, 2012. The dispute arises out of Salem Springs' attempt to rezone property within the Urban Services District of Salem Township from Agricultural Residential (AR) to General Commercial (GM). The Salem Township Board of Trustees approved Salem Spring's petition to rezone the property in question on May 8, 2012, by a four-three vote (four Ayes, three Nays). Subsequently, pursuant to the Michigan Zoning Enabling Act, MCL 125.3402, Salem resident, Norman Klein and "the Concerned Citizens of Salem" petitioned Salem Township for a referendum to submit the rezoning of the property in question to the electors of Salem Township in the general election on November 6, 2012. The Salem Township Clerk certified to the Salem Township Board of Trustees that Mr. Klein had submitted the required number of signatures to certify the petition for referendum and, on August 22, 2012, the Salem Township Board of Trustees passed a resolution to place the zoning referendum on the ballot for the general election. On August 24, 2012, Developer filed a Verified Complaint and an Ex-Parte Motion for Order to Show Cause Why A Preliminary Injunction Should Not Enter. Developer sought a preliminary injunction to enjoin Salem Township and the Washtenaw County Clerk from placing the zoning referendum on the ballot for the general election. On September 24, 2012, Judge Timothy P. Connors of the Washtenaw County Circuit Court denied Developer's Motion

for Preliminary Injunction. On September 25, 2012, Developer filed an Emergency Application For Leave to Appeal with the Court of Appeals along with a Motion For Immediate Consideration and Motion for Peremptory Reversal. On October 8, 2012, the Court of Appeals denied Developer's Application For Leave to Appeal and Motion For Peremptory Reversal for lack of merit in the grounds presented. Developer now seeks Emergency Leave to Appeal in this Court.

Although Salem Township is a necessary party to this proceeding, it is essentially a neutral party as the dispute is actually between the developer, Salem Springs, LLC (who wishes to prohibit the rezoning referendum from being voted on by the residents of Salem Township in the general election) and Mr. Norman Klein and the "Concerned Citizens of Salem" (who desire to have the referendum proceed to the general election in November). The Township believes, however, that Plaintiff's Motion for a Preliminary Injunction in the Trial Court was simply premature because if the residents of Salem Township approved the re-zoning of Plaintiff's property when voting on the referendum in the general election, Plaintiff will not have suffered any injury and certainly not an "irreparable injury" as is required for the issuance for the preliminary injunction.

II. FACTUAL BACKGROUD

Defendant/Appellee, Salem Township submitted the following facts to the Trial Court and the Court of Appeals, listed chronologically, which it believed to be essentially undisputed:

October 28, 2011: Salem Springs, LLC (Developer) submitted a Petition to Re-zone six parcels of land comprising 91.61 acres, located in the Salem Township Urban Services

District (USD) from Agricultural Residential (AR) to General Commercial (GC). The property in question is located along M-14 between the ITC Corridor and Napier Road.

March 19, 2012: The Salem Township Planning Commission reviewed and considered the Salem Springs request for re-zoning of the 91.61 acres from Agricultural Residential to General Commercial and recommended to the Salem Township Board of Trustees that the Board deny Salem Springs request for re-zoning from AR to GC.

May 8, 2012: The Salem Township Board of Trustees reviews the Salem Springs request for re-zoning as well as the recommendation of the Salem Township Planning Commission and the Board of Trustees approves their request for re-zoning of the 91.61 acres in the Township's USD from AR to GC by a 4-3 vote (four Ayes, three Nays) (See Exhibit "A")

May 20, 2012: Salem Township Clerk, David Trent, published a Notice of the Re-zoning of the six parcels, comprising 91.61 acres from AR to GC in the Ann Arbor.com Newspaper (See Exhibit "B"). Ann Arbor.com, while not the official newspaper of Salem Township, is a newspaper of general circulation. This Notice of Re-zoning did not contain any errors and met all of the requirements of MCL 125.3401(9) for Notice of an Amendment to a Zoning Ordinance.

May 22, 2012: Mr. Norman Klein, filed a Notice of Intent to File Petition for Referendum with Salem Township Clerk, David Trent. This Notice was timely filed within seven days of the publication of the re-zoning, as required by the Michigan Zoning Enabling Act, MCL 125.3402(1). (See Exhibit "C")

May 24, 2012: Simultaneously with submitting the Notice of Re-zoning to the Ann Arbor.com Newspaper, Salem Clerk, David Trent submitted the same Notice of Re-zoning

to the South Lyon Herald Newspaper. However, the South Lyon Herald could not publish the Notice until May 24, 2012, which would have been one day beyond the fifteen day publication date as required by MCL 125.3401(7). The Notice was published in the South Lyon Herald on May 24, 2012. (See Exhibit "D") When published, the Notice in the South Lyon Herald contained an incorrect heading (the heading was apparently taken from a previous publication by the Township in the South Lyon Herald of a public hearing on the Township budget in February 2011). This published Notice also gave an incorrect parcel number for two of the six parcels being re-zoned. Both of these mistakes were the fault of the South Lyon Herald Newspaper and not the fault of the Township or of the Township Clerk.

May 31, 2012: Due to the error in the heading of the Notice of Re-zoning published in the South Lyon Herald, Township Clerk, David Trent, requested the South Lyon Herald to republish the Notice of Re-zoning. The Notice was published a second time by the South Lyon Herald on May 31, 2012. (See Exhibit "E") However, the South Lyon Herald again made mistakes in publishing this Notice, but the mistakes were minor compared to the first published notice. This Notice contained typographical errors.

June 1, 2012: Attorney, Steven Foley, representing Mr. Norman Klein, wrote to Salem Township Clerk, David Trent, complaining of the errors in the May 24 and May 31 Notices published by the South Lyon Herald and advised the Township that the numerous errors in the Notices published were creating uncertainty regarding the starting point for the allowable time to obtain the Referendum Petitions.

June 14, 2012: On the advice of legal counsel, Timothy Wilhelm, Salem Township Clerk, David Trent, published yet another Notice of Re-Zoning in the South Lyon Herald.

On this occasion the South Lyon Herald finally got everything in the Notice correct and the Notice did not contain any errors. (See Exhibit "F")

June 14, 2012: On the same date as the publication of the last Notice in the South Lyon Herald, legal counsel for Salem Township, Timothy Wilhelm, advised attorney Steven Foley, counsel for Mr. Norman Klein, that the thirty day period for submission of Mr. Klein's petitions for the Referendum, per MCL 125.3402, would begin to run from the date of June 14, 2012. (See Exhibit "G") On this same date, attorney Wilhelm also advised legal counsel for Plaintiff, Salem Springs, LLC, of the errors in the prior published Notices in the South Lyon Herald and that the corrected Notice was published in the South Lyon Herald on June 14, 2012. (See Exhibit "H")

June 14, 2012: On the same date as the final Notice published in the South Lyon Herald, Mr. Norman Klein submitted another Notice of Intent to File a Petition for Referendum.

July 12, 2012: Steven Foley, legal counsel for Mr. Norman Klein, filed the Petitions for Referendum with Salem Township Clerk, David Trent within thirty days of the last publication in the South Lyon Herald of the Notice Re-zoning (See Exhibit "I"). MCL 125.3402(2) states that,

"the petitioner shall have thirty days following the publication of the zoning ordinance to file a petition signed by a number of registered electors residing in the zoning jurisdiction not less than fifteen percent of the total vote cast within the zoning jurisdiction for all candidates for Governor at the last preceding general election..."

August 21, 2012: Salem Township Clerk, David Trent, advised the Salem Township Board of Trustees that the Petitions submitted by Mr. Norman Klein were adequate and, although several petitions were rejected as invalid, 587 valid signatures had been submitted

which exceeded the 398 signatures required to certify the Petition for Referendum. (See Exhibit "J")

August 22, 2012: The Salem Township Board of Trustees passed a Resolution to place the Re-zoning Referendum on the ballot for the general election on November 6, 2012, and further approved the ballot wording to be submitted to the Washtenaw County Clerk. (See Exhibit "K")

August 24, 2012: Developer, Salem Springs, filed a Verified Complaint and Ex-Parte Motion for Order to Show Cause Why A Preliminary Injunction Should Not Enter in the Washtenaw County Circuit Court.

September 24, 2012: After Briefs were submitted by all parties, including the Intervening Defendants, the Trial Court, Judge Timothy P. Connors, denied Developers Motion for a Preliminary Injunction finding that a Preliminary Injunction is an extreme remedy and that, in this case, an injunction would be premature and Developer had failed to demonstrate either irreparable harm or the lack of an adequate remedy at law.

STANDARD OF REVIEW

Pursuant to MCR 7.302(B), the Plaintiff/Appellant must establish the grounds stated in that rule for the Supreme Court to grant its Application for Leave. Plaintiff/Appellant claims that it has demonstrated the grounds set forth in MCR 7.302(B)(2), (B)(3), and (B)(5).

MCR 7.302(B)(2) states that:

“The application must show that (2) the issue has significant public interest and the case is one by or against the State or one of its agencies or subdivisions or by or against an officer of the State or one of its agencies or subdivisions in the officers official capacity.”

This ground for application is not applicable in this case because this cause of action is not “one by or against the State or one of its agencies or subdivisions” and furthermore, this case is not one that has “significant public interest.” The immediate concern is a local issue regarding whether a referendum on the rezoning of a private piece of property should be allowed to proceed to a vote by the residents of Salem Township. This Court should not intercede on a matter of local importance.

Plaintiff/Appellant further claims that MCR 7.302(B)(3) is applicable. That section of the court rule requires that Plaintiff/Appellant’s Application for Leave to Appeal must show:

“(3) The issue involves legal principles of major significance to the State’s jurisprudence.”

As discussed above, Plaintiff/Appellant is attempting to prohibit the vote, or at least the counting of the vote, on a local referendum involving the rezoning of private property in

Salem Township. Whether this issue proceeds to a vote in Salem Township is hardly an issue that involves "legal principles of major significance to the State's jurisprudence." If it is Plaintiff/Appellant's claim that an interpretation of the language and requirements of the Michigan Zoning Enabling Act, MCL 125.3402, are at issue, then Plaintiff/Appellant will have an adequate remedy subsequent to the election to challenge these procedural requirements for the rezoning and the referendum. Plaintiff/Appellant's claim that proceeding with the election will result in unnecessary costs is disingenuous because there will be no increase costs for the election where, as here, the election ballots have already been printed, including the referendum language, and returned to the Salem Township Clerk for use in the election. Furthermore, absentee ballots have already been sent out containing the referendum language and many of those absentee ballots have already been returned to the Township for processing.

Lastly, Plaintiff/Appellant claims that it has met the requirements of MCR 7.302(B)(5). That section of the rule states that an Application for Leave to Appeal must show:

"(5) In an appeal from a decision of the Court of Appeals, the decision is clearly erroneous and will cause material injustice or the decision conflicts with a Supreme Court Decision or another decision of the Court of Appeals."

As will be more fully discussed below, the decision of the Court of Appeals denying Leave to Appeal of the Trial Courts denial of Plaintiff/Appellant's Motion for a Preliminary Injunction was certainly not "clearly erroneous." The Trial Court found that a Preliminary Injunction "should be used with great restraint and it is an extraordinary remedy" and furthermore, that "the Plaintiff's had failed to demonstrate either irreparable harm or the lack of an adequate remedy at law." (Trial Court transcript, page 31) The standard of

review for the Court of Appeals was based on a determination whether there was an abuse of discretion by the Trial Court. The Court of Appeals denied Leave to Appeal "for lack of merit in the grounds presented." Accordingly, the denial of Leave to Appeal by the Court of Appeals was not "clearly erroneous" and would not "cause material injustice" as required by MCR 7.302(B)(5).

For the reasons set forth above, the Supreme Court should deny Plaintiff/Appellant's Emergency Application For Leave to Appeal and Motion for Preemptory Reversal.

ARGUMENT

- I. The Court of Appeals properly denied Plaintiff/Appellant's Emergency Application For Leave to Appeal the Trial Court's denial of the Motion for a Preliminary Injunction to enjoin Defendant from placing a referendum on the ballot where such an injunction is an extreme remedy and would prevent the results of an election, where the Motion for Preliminary Injunction was premature and not of urgent necessity, and where Plaintiff/Appellant had not demonstrated either irreparable harm or the lack of an adequate remedy of law.

The case of *Senior Accountants, et al v City of Detroit*, 218 MichApp 263 (1996) is particularly instructive on this issue. In *Senior Accountants*, the Court of Appeals, citing *Reed v Burton*, 344 Mich 126 (1955) noted that, "an injunction represents an extraordinary and drastic act of judicial power that should be employed sparingly and only with full conviction of its urgent necessity." Furthermore, citing to the Supreme Court in *Kavanaugh v Coash*, 347 Mich 579, 583 (1957), the Court of Appeals in *Senior Accountants*, noted that;

"the general rule is that an injunction will not issue to prevent the holding of an election whether or not the election is illegal, and this is so whether the election relates to the filling of public office or other matters such as changes in boundaries of political subdivisions and kindred matters."

Although Salem Township is essentially a neutral party in this dispute, Salem Township is of the opinion that Plaintiff's request for a preliminary injunction to prohibit this matter from proceeding from the general election was simply premature. To obtain a preliminary injunction, Plaintiff must demonstrate, among other factors, that there is "a real and eminent danger of irreparable injury if an injunction is not issued." *Peninsula Sanitation, Inc. v Manistique*, 208 MichApp 34, 43 (1994). The current status of this matter is that it is simply unknown how the residents of Salem Township will vote on the referendum, as it proceeds. None of the parties have a crystal ball to be able to predict the outcome of the election. The vote on the rezoning by the Township Board of Trustees was very close with four Trustees voting in favor of the rezoning and three Trustees voting against the rezoning. The vote by the residents of Salem Township may be similarly close on the issue of whether the rezoning should be permitted or denied. It is entirely possible that the residents of Salem Township will vote in the general election to approve the rezoning of Plaintiff's property and, if that occurs, Plaintiff will not have suffered any injury and certainly not an "irreparable injury" such as is required for the issuance of a preliminary injunction. In short, at this point in the proceedings, the harm to the Plaintiff developer is neither imminent nor irreparable. The Township believes Plaintiff's Motion for Injunction was premature because, if the Salem residents ultimately vote to decline the rezoning of Plaintiff's property, Plaintiff could then seek to enjoin the implementation of the referendum.

To obtain a preliminary injunction, Plaintiff must establish three elements: (1) justice requires a granting of the injunction; (2) Plaintiff has no adequate remedy at law; and, (3) there is an imminent danger of irreparable injury if an injunction is not issued. *Kernen v*

Homestead Development Co., 232 MichApp 503, at 509 (1998) and *Peninsula Sanitation, Inc. v Manistique*, 208 MichApp 34, at 43 (1994). Furthermore, “a particularized showing of irreparable harm is an indispensable requirement to obtain a preliminary injunction.” *Pontiac Firefighters Union Local 375 v City of Pontiac*, 482 Mich 1, at 9 (2008).

The Michigan Supreme Court has made it clear that:

“An injunction represents an extraordinary and drastic act of judicial power that should be employed sparingly and only with full conviction of its urgent necessity.” *Reed v Burton*, 344 Mich 126 at 132 (1955).

Furthermore, the Michigan Supreme Court has noted that there must be judicial restraint in political matters where there is an attempt to preempt a vote of the people. In *Kavanaugh v Coash*, 347 Mich 579 at 583 (1957), the Supreme Court noted:

“The general rule is that an injunction will not issue to prevent the holding of an election whether or not the election is illegal, and that this is so whether the election relates to the filling of public office or other matters, such as changes in boundaries of political subdivisions and kindred matters.” See also, *Charter Township of Bloomfield v Oakland County Clerk*, 253 MichApp 1 (2002).

The Michigan Court of Appeals in *Senior Accountants, et. al. v City of Detroit*, 218 MichApp 263, at 270 (1996), pointed out:

“The wisdom of the principle of judicial restraint expressed by our Supreme Court in *Coash*, is self-evident; the notion that our courts may precipitously intervene in the political arena and preempt a vote of the people is inconsistent with both the role of the courts and the principles of our democracy.”

Salem Township asserts that Plaintiff’s attempt to seek a preliminary injunction at this point in time was premature and presumptive. Plaintiff could not demonstrate an “imminent danger of irreparable injury” if the injunction was not issued, an indispensable requirement to obtain a preliminary injunction. The alleged harm to Plaintiff is, at this

point time, speculative at best. If the rezoning referendum proceeds to a vote in the general election, it is unknown at this point whether the residents of Salem Township will vote in favor or against the rezoning of Plaintiff's property. If the Salem Township residents approve the rezoning of Plaintiff's property, the injury that Plaintiff fears will never come to pass. Accordingly, at this point in time, the potential injury to Plaintiff is neither imminent nor irreparable. Plaintiff apparently presumes that Salem Township residents will vote against the rezoning of Plaintiff's property but this simply cannot be determined until the election is actually held. Therefore, the Court of Appeals properly denied Plaintiff/Appellant's Emergency Application For Leave to Appeal.

In *Senior Accountants, et al.*, 218 Mich App 263, at 271 (1996), a case factually similar to this case in that the Plaintiff sought an injunction to prevent a resolution to amend the city charter from appearing on the election ballot, the Court of Appeals held that the trial court's issue of a preliminary injunction was premature because it was not certain at the time the injunction was issued that the voters of Detroit would approve a revised charter containing the challenged pension provisions. The Court of Appeals stated that:

"Plaintiffs have failed to carry their burden of showing an urgent necessity for injunctive relief, which is necessary to satisfy the requirements of justice. The injunction was premature. The harm, if any, to plaintiffs is at least two removes from actuality.

First, no vote has been cast on the challenged provisions. It is not (and was not at the time the injunction was issued) at all certain that the voters will enact a revised charter containing the challenged pension provisions—particularly given the strenuous objections by labor organizations who represent city employees eligible to vote on the charter revisions proposed. The circuit court's action was therefore preemptive and presumed what the citizens of Detroit *might* do in an election never held. Had the circuit court stayed its hand, it is entirely possible the legal concerns raised by the plaintiffs might never have come to pass." *Senior Accountants* at 271.

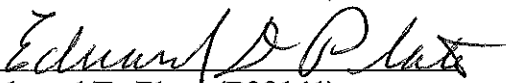
Here, as in *Senior Accountants*, Plaintiff/Appellant's Motion for a Preliminary Injunction was presumptive and premature and the referendum should proceed to a vote as determined by the Trial Court and the Court of Appeals.

CONCLUSION AND REQUESTED RELIEF

As set forth in detail above, Plaintiff/Appellant has failed to demonstrate that any of the grounds for appeal required by MCR 7.302(B) are present. Plaintiffs' request for a preliminary injunction was premature and presumptive, as it is unknown whether the Salem Township residents will approve or disapprove of the requested rezoning and Plaintiff cannot show that its perceived harm is imminent and/or irreparable. Furthermore, Plaintiff has not demonstrated a substantial likelihood that it will prevail on the merits. For this Application For Leave to Appeal, Plaintiff/Appellant has certainly not shown that the issue involves legal principles of major significance to the State's jurisprudence nor has Plaintiff/Appellant shown that the Court of Appeals decision was clearly erroneous and will cause material injustice. For these reasons, the Court of Appeals properly denied Plaintiff/Appellant's Emergency Application For Leave to Appeal and this Court should similarly deny Plaintiff/Appellant's Emergency Application For Leave to Appeal and Motion for Preemptory Reversal.

Respectfully submitted,

THE PLATO LAW FIRM, PLLC

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Dated: September 4, 2012

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INDEX OF EXHIBITS

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INDEX OF EXHIBITS

- A. Salem Township Board of Trustees Minutes of Regular Board Meeting 5/8/2012
- B. Salem Township Notice published in AnnArbor.com dated 5/20/2012
- C. Klein letter to Salem Township dated 5/22/2012
- D. Salem Township Public Hearing Meeting Notice 2011-12 Budget Hearing,
February 22, 2011
- E. Salem Township, Washtenaw County, Michigan, Notice of Adoption of Zoning
Map Amendment
- F. Salem Township, Washtenaw County, Michigan, Amendment Notice of
Adoption of Ordinance to Amend the Official Zoning Map of Salem Township
- G. Wilhelm email to Foley dated 6/14/2012 re: Salem Springs Rezoning – amended
notice published
- H. Wilhelm email to Schlussel dated 6/14/2012 re: Amended notice published
- I. Foley letter to Trent date 7/12/2012
- J. Trent Memo to Salem Township Board of Trustees dated 8/21/2012 re: Status
Report on Petitions – Salem Springs, LLC Rezoning
- K. Salem Township, Washtenaw County, Michigan, Resolution No. 2012-__

A

**Salem Township Board of Trustees
Minutes of the Regular Board Meeting
May 8, 2012
APPROVED MINUTES**

1. Pledge of Allegiance/Call To Order

Meeting called to order at 7:00 p.m. by Supervisor Heyl who led in the Pledge of Allegiance.

2. Roll Call

Present: Bejin, Heyl, Trent, Uherek, Van Fossen, Wallazy, Witkowski. Absent: None.

Quorum declared.

3. Agenda

Motion by Mrs. Van Fossen and seconded by Mr. Trent to approve the agenda as amended with the following additions:

Business Items

- 8D – Unpaid Leave of Absence
- 8E – Exhaust Removal System

Reports

- 9B – Fire Department Report

Motion carried 6-1 (Wallazy).

4. Presentations – None.

5. Public Comment: None.

6. Correspondence – None.

7. Consent Agenda

Motion by Mr. Trent and seconded by Ms. Bejin to approve the following consent agenda items:

- A. Minutes of the April 24, 2012 Regular Meeting of the Board of Trustees
- B. Minutes of the Closed Session - Regular Meeting of April 24, 2012
- C. Disbursements for April 2012

- 1. General Fund - \$104,113.28 (checks 22962-23030)
- 2. Payroll - \$38,816.70
- 3. Sewer Fund - \$5,860.41 (checks 1858-1859)
- 4. Electronic Fund Transfers - \$183.50 (Paycor)

D. Disbursements for May 1-4, 2012

- 1. General Fund - \$42,400.23 (checks 23031-23054)
- 2. Sewer Fund - \$5,984.11 (checks 1860-61)

Item 7B was pulled from the consent agenda and designated as Business Item 8F. The remainder of the consent agenda items were approved 6-1 (Van Fossen).

8. Business Items

A. Salem Springs Rezoning

Salem Springs, LLC represented by Steve Fisher and attorneys Robert Carson and Jeffrey Schlussel were present. Mr. Carson gave an overview of Salem Springs request for the rezoning application to General Commercial. Don Pennington, Planning Consultant for Salem Township, provided a

Page 2

Salem Township Board of Trustees
May 8, 2012 -- APPROVED

summary of the reasons why the Planning Commission denied the rezoning request and the findings of fact associated with his report. The Board of Trustees then asked questions, discussed the issue, and made individual statements concerning the matter.

Motion by Mr. Heyl and seconded by Mr. Uherek that Salem Township approve the request of Salem Springs, LLC for the rezoning of the center section from Agricultural Residential to General Commercial (Zoning Amendment Form attached).

Mr. Heyl enumerated the following reasons in support of the motion:

- Master Plan needs to be updated to incorporate prior changes in the USD
- PUD development can come forward after the property is rezoned
- General Commercial purpose fits with the area because it is along a major transportation network
- Developer needs entitlement to entice businesses to come in

Roll call vote: Ayes 4 (Heyl, Uherek, Trent, Witkowski) -- Nays 3 (Bejin, Van Fossen, Wallazy).
Motion carried.

Recess -- The Board took a brief recess at 9:27 p.m. and reconvened at 9:37 p.m.

Motion by Mr. Heyl and seconded by Mr. Uherek to instruct the Planning Commission to review the Master Plan, especially the area of the USD, and update that section accordingly based on the current usages and for all properties. Motion carried 6-1 (Wallazy).

B. Fire Chief Appointment

Motion by Mr. Uherek and seconded by Ms. Bejin to approve the appointment of Furman Ed Rohraff as Salem Township Fire Chief. After discussion the motion was withdrawn.

C. Office Expansion for Records

Motion by Mr. Uherek and seconded by Mr. Trent to approve the waiver of the Salem Township Purchasing and Bid Policy, Section 8a-8b and single source the quote to Bongero Construction for the records archival office addition to the Clerk's Department per the attached drawings. Motion carried 4-3 (Bejin, Van Fossen, Wallazy).

D. Unpaid Leave of Absence

Motion by Mr. Heyl and seconded by Mr. Uherek to approve that the Salem Township Board of Trustees grant a two month unpaid leave of absence to Carol Liogghio to run for a Salem Township political office. During discussion Mrs. Liogghio was asked if she desired the leave or wished to continue working. She responded the latter. Motion failed Ayes 0 -- Nays 7.

E. Plymovent Exhaust Removal System

Motion by Ms. Bejin and seconded by Mr. Wallazy to approve the recommendation of the Public Safety Committee to purchase the Plymovent Vehicle Exhaust Extraction System for four fire trucks from Hastings Air-Energy Control, Inc. at a cost of \$25,125.00 plus freight FOB. Funding would be expensed out of cost center 980 -- Capital Expenditures (fire department). Motion carried unanimously.

Page 3

Salem Township Board of Trustees
May 8, 2012 - APPROVED

Recess - The Board took a brief recess at 10:24 p.m. and reconvened at 10:32 p.m.

F. Closed Session Minutes - April 24, 2012 Regular Board Meeting

Motion by Mr. Trent and seconded by Ms. Bejin to approve the Closed Session Minutes from the Regular Board Meeting of April 24, 2012. Motion carried unanimously.

9. Reports

Board received the following reports for the month of April 2012: Clerk Revenue/Expenditure Report and Fire Department.

10. Board Discussion

A. Salem Township Messenger

Board discussed process of how articles are submitted for publication, editing, and insuring publication timelines are met so notification dates of key events are not missed. Board agreed to issue another newsletter for distribution on June 1. Mr. Heyl will send out a notice for the submission of articles deadline to meet the June 1 requirement.

11. Public Comment - Extended: One citizen provided a comment.

12. Adjournment - Meeting adjourned at 10:50 p.m.

David Trent
Salem Township Clerk

Approved:

☒ As presented

☐ As amended (*in italics*)

This 22nd day of May 2012 at the regular meeting of the Salem Township Board of Trustees.

David Trent

May 22, 2012

Signature of Clerk

Date

STATE OF MICHIGAN
County of Washtenaw

ss

Brittani Anderson

Being duly sworn deposes and say he/she is Principal Clerk of



ANN ARBOR.COM
DAILY EDITION

a newspaper published and circulated in the County of Washtenaw and otherwise qualified according to Supreme Court Rule; and that the annexed notice, taken from said paper, has been duly published in said paper on the following day(day(s))

May 20th

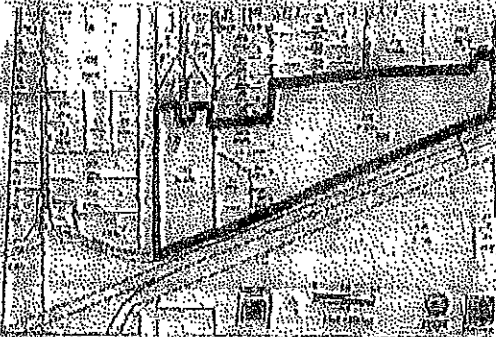
A.D. 20 *12*

Sworn to and subscribed before me this *5th* day of *June* 20 *12*

SALEM TOWNSHIP
WASHTENAW COUNTY, MICHIGAN
NOTICE OF ADOPTION OF ZONING MAP AMENDMENT

Notice is hereby given that at a regular meeting on May 8, 2012 the Salem Township Board of Trustees adopted amendments to the Official Zoning Map by authority of the Michigan Zoning Enabling Act (Public Act 110 of 2006, MCL 125.1301 et seq., as amended) to rezone the following parcels from AR - Agricultural Residential to GC - General Commercial:

A01-25-300-018, A01-25-300-019, A01-25-300-020,
A01-25-300-021, A01-25-300-009, A01-25-400-007
totaling approximately 91.61 acres.



The properties affected are on the north side of M-14 between Napier Rd. and Goffredson Rd.

A copy of the Zoning Ordinance and Official Zoning Map may be purchased or inspected during regular business hours or by appointment in the Township Clerk's Office located at 9600 Six Mile Road, Salem, MI 48175. The adopted amendments shall become effective seven (7) days after publication of this notice of adoption, unless referendum procedures are initiated under MCL 125.3402. If referendum procedures are initiated under MCL 125.3402, the ordinance shall take effect in accordance with MCL 125.3402.

David Trent
Salem Township Clerk

Janice M. Ringle

JANICE M. RINGLE
Notary Public, State of Michigan
County of Kent
My Commission Expires: 10/03/2014
Acting in the County of *Washtenaw*

May. 24. 2012 9:39AM

No. 1173 P. 2

C

NORMAN E. KLEIN

10857 Hickory Lane
Plymouth, MI 48170
(313) 295-0505

May 22, 2012

RECEIVED
MAY 22 2012
SALEM TOWNSHIP
CLERK'S OFFICE

Salem Township
9600 Six Mile Road
Salem, MI 48175

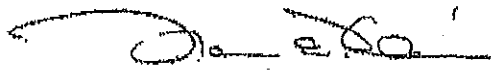
Attn: Mr. David Trent, Township Clerk

Re: Salem Springs, LLC
Notice of Intent To File A Petition For Referendum

Dear Mr. Trent:

Enclosed please find my Notice of Intent to file Petition for Referendum subsequent to your publication in AnnArbor.com of the Board Action.

Very truly yours,



Norman E. Klein

NEK/kk
Enc.


May, 24, 2012 9:39AM

No. 1173 P. 3

NOTICE OF INTENT TO FILE A PETITION FOR REFERENDUM

I, Norman E. Klein, am a registered elector residing in Salem Township at 10857 Hickory Lane, Plymouth 48170 and pursuant to MCL 125.3402, hereby give notice of intent with the Salem Township Clerk to file a petition for referendum concerning an amendment to The Zoning Ordinance of the Township of Salem, including but not limited to an amendment to the Salem Township Zoning Map and any use designation or rezonings from the Agriculture-Residential District (AR) to General Commercial District (GC) for properties owned by Salem Springs, LLC and generally located along M-14 between the ITC Corridor and Napier Road and designated by parcel numbers A-01-25-300-021; A-01-25-300-009; A-01-25-300-018; A-01-25-300-019; A-01-25-300-020; and A-01-25-400-007.

May 22, 2012
Date

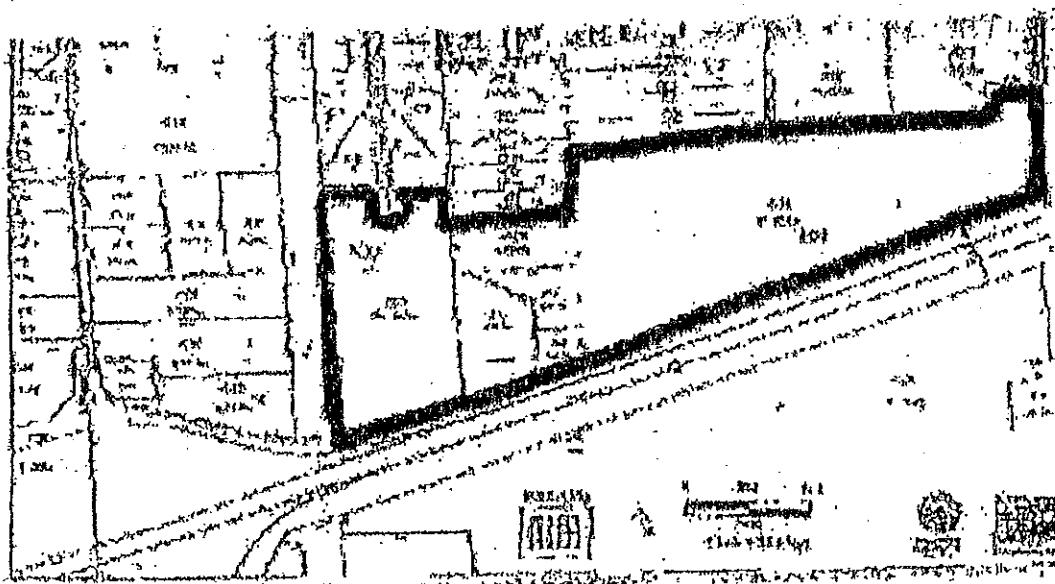

Norman E. Klein
10857 Hickory Lane
Plymouth, MI 48170
(313) 295-0505

FILED (Salem Springs)
MAY 22 2012
SALEM TOWNSHIP
CLERK'S OFFICE

**SALEM TOWNSHIP
PUBLIC HEARING MEETING NOTICE
2011-12 BUDGET HEARING
FEBRUARY 22, 2011**

Notice is hereby given that at a regular meeting on May 8, 2012 the Salem Township Board of Trustees adopted amendments to the Official Zoning Map by authority of the Michigan Zoning Enabling Act (Public Act 110 of 2006, MCL 125.3101 et. Seq., as amended) to rezone the following parcels from AR - Agricultural Residential to GC - General Commercial:

A01-25-300-08, A01-25-300-019, A01-25-300-020, A01-25-300-021, A01-25-300-009, A01-25-300-007 totaling approximately 91.61 acres.



The properties affected are on the north side of M-14 between Napier Rd. and Gotfredson Rd.

A copy of the Zoning Ordinance and Official Zoning Map may be purchased or inspected during regular business hours or by appointment in the Township Clerk's Office located at 9600 Six Mile Road, Salem, MI 48175. The adopted amendments shall become effective seven (7) days after publication of this notice of adoption, unless referendum procedures are initiated under MCL 125.3402. If referendum procedures are initiated under MCL 125.3402, the ordinance shall take effect in accordance with MCL 125.3402.

David Trent
Salem Township Clerk

Publish: May 24, 2012

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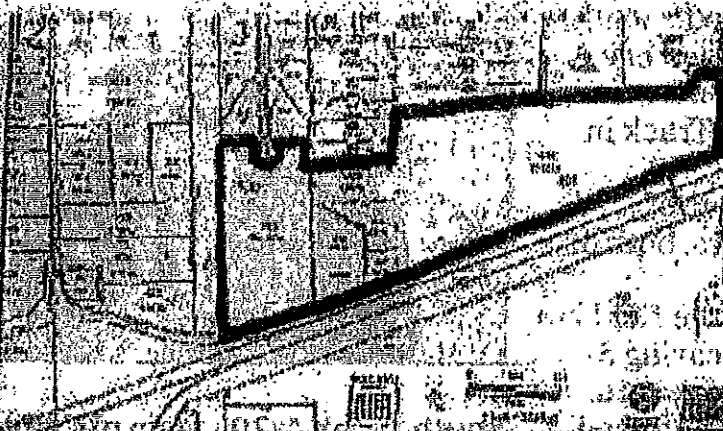
**PLANNING COMMISSION
CHARTER TOWNSHIP OF LYON
OAKLAND COUNTY, MICHIGAN**

E

**SALEM TOWNSHIP
WASHTENAW COUNTY, MICHIGAN
NOTICE OF ADOPTION OF ZONING MAP AMENDMENT**

NOTICE IS HEREBY GIVEN that at a regular meeting on May 8, 2011 the Salem Township Board of Trustees adopted amendments to the Official Zoning Map by authority of the Michigan Zoning Enabling Act (Public Act 110 of 2006, MCO 125.3101 et. Seq., as amended) to rezone the following parcels from AR - Agricultural Residential to GC - General Commercial:

A01-25-300-018, A01-25-300-019, A01-25-300-020, A01-25-300-021, A01-25-300-009, A01-25-300-007, totaling approximately 91.61 acres.



The properties affected are on the north side of M-14 between Napier Rd and Gottfredson Rd.

A copy of the Zoning Ordinance and Official Zoning Map may be purchased or inspected during regular business hours or by appointment in the Township Clerk's Office located at 9600 Six Mile Road, Salem, MI 48175. The adopted amendments shall become effective seven (7) days after publication of this notice of adoption, unless referendum procedures are initiated under MCL 125.3402. If referendum procedures are initiated under MCL 125.3402, the ordinance shall take effect in accordance with MCL 125.3402.

David Trent
Salem Township Clerk

Published: May 31, 2012

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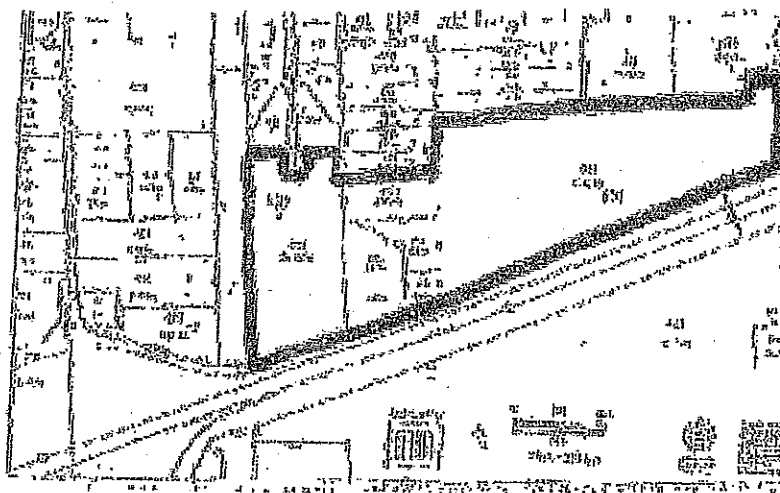
F

**SALEM TOWNSHIP
WASHTENAW COUNTY, MICHIGAN**

**AMENDED NOTICE OF ADOPTION OF ORDINANCE
TO AMEND THE OFFICIAL ZONING MAP OF SALEM TOWNSHIP**

Notice is hereby given that at a regular meeting on May 8, 2012, the Salem Township Board of Trustees, by authority of the Michigan Zoning Enabling Act (Public Act 110 of 2006, MCL 125.3101 et seq. as amended) adopted Ordinance No. 2012-05-08-01 to Amend the Official Zoning Map of Salem Township to rezone the following parcels from Agriculture Residential (AR) to General Commercial (GC):

A01-25-300-018, A01-25-300-019, A01-25-300-020, A01-25-300-021, A01-25-300-009, A01-25-400-007 totaling approximately 91.61 acres.



The properties affected are on the north side of M-14 between Napier Road and Gotfredson Road.

A copy of the Ordinance and Official Zoning Map may be purchased or inspected during regular business hours or by appointment in the Township Clerk's Office located at 9600 Six Mile Road, Salem, MI 48175. The Ordinance shall take effect seven (7) days after publication of this Amended Notice of Adoption, unless referendum procedures are initiated under MCL 125.3402. If referendum procedures are initiated under MCL 125.3402, the Ordinance shall take effect in accordance with MCL 125.3402.

David Trent
Salem Township Clerk

Publish: June 14, 2012

OE08779482 - 3x5.5

Ed Plato

From: Timothy Wilhelm [twilhelm@jrsilaw.com]
Sent: Thursday, June 14, 2012 6:31 PM
To: sfoley@sbfpc.com
Cc: Ed Plato; David Trent <david@saalem-mi.org> (david@saalem-mi.org); robert@saalem-mi.org; Carol Rosati
Subject: Salem Springs Rezoning - amended notice published
Attachments: Salem Springs - 2012-06-14 Amended Notice and Ord.pdf

Steve

Attached please find a copy of the Amended Notice of Adoption of Ordinance to Amend the Official Zoning Map of Salem Township published on June 14, 2012 in the South Lyon Herald. I have advised the Township to calculate the 30 day period for submission of Mr. Klein's petition for referendum, per MCL 125.3402, from June 14, 2012.

Also, a copy of Ordinance 2012-05-08-01 is attached. Presuming Mr. Klein does not withdraw his Notice of Intent to File Petition, the effective date of the Ordinance will be determined in accordance with MCL 125.3402.

Timothy S. Wilhelm
JOHNSON | ROSATI | SCHULTZ | JOPPICH
A Professional Corporation
34405 W. Twelve Mile Road, Suite 200
Farmington Hills, MI 48331-5627
Phone: (248) 489-4100; Fax: (248) 489-1726
Email: twilhelm@jrsilaw.com
Website: www.johnsonrosati.com

The information contained in this communication is intended for the use of the recipient named above and contains confidential and legally privileged information. If the reader of this communication is not the intended recipient, do not read, copy, disseminate or distribute it. You are hereby notified that any dissemination, distribution, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please re-send this communication to the sender and delete the original message and any copy of it from your computer system. If you need any additional information, please contact the sender at (248) 489-4100. Thank you.

COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND DELETE AND DESTROY THE ORIGINAL MESSAGE. THANK YOU.

From: Timothy Wilhelm [<mailto:twilhelm@jrsilaw.com>]
Sent: Thursday, June 14, 2012 6:36 PM
To: Schlusssel, Jeffrey B.
Cc: Carol Rosati; Ed Plato
Subject: RE: Salem

Jeff

Here is the Amended Notice published on June 14, 2012 in the South Lyon Herald and Ordinance 2012-05-08-01

As to your question, a notice was originally published in AnnArbor.com on May 20, 2012. An erroneous notice was published in the South Lyon Herald on May 24, which was corrected by a May 31 publication. And, we now have the Amended Notice published June 14, 2012.

The May 20, 24, and 31 were all intended to be identical, but the notices published on the 24th and 31st in the South Lyon Herald contained errors which were not in the information provided by the Township.

Timothy S. Wilhelm
JOHNSON | ROSATI | SCHULTZ | JOPPICH
A Professional Corporation
34405 W. Twelve Mile Road, Suite 200
Farmington Hills, MI 48331-5627
Phone: (248) 489-4100; Fax: (248) 489-1726
Email: twilhelm@jrsilaw.com
Website: www.johnsonrosati.com

The information contained in this communication is intended for the use of the recipient named above and contains confidential and legally privileged information. If the reader of this communication is not the intended recipient, do not read, copy, disseminate or distribute it. You are hereby notified that any dissemination, distribution, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please re-send this communication to the sender and delete the original message and any copy of it from your computer system. If you need any additional information, please contact the sender at (248) 489-4100. Thank you.

From: Schlusssel, Jeffrey B. [<mailto:jschlusssel@carsonfischer.com>]
Sent: Thursday, June 14, 2012 5:13 PM
To: Timothy Wilhelm
Subject: Salem

Tim,

Quick question: was the notice that was published today the third notice that has been published. According to Foley's letter to you, he indicates there was a May 24 notice, a May 31 notice and now the June 14 notice.

Please let me know.

Thanks.

Jeffrey B. Schlusssel
Carson Fischer, P.L.C.
4111 Andover Road
West-Second Floor
Bloomfield Hills, Michigan 48302
(248) 644-4840--main

I

STEPHEN B. FOLEY

Attorney at Law
9900 Pelham Road
Taylor, MI 48180
(313) 295-2590
(313) 295-2597 (Fax)
sfoley@sbfpc.com

July 12, 2012

Via Hand Delivery

Mr. David Trent, Township Clerk
Salem Township
9600 Six Mile Road
Salem, MI 48175

Re: Salem Springs, LLC
Ordinance Referendum Petitions

Dear Mr. Trent:

At the time that this letter is being created, my client has obtained 170 Petitions containing approximately 612 signatures. Of the 612 signatures, 596 have been validated against the Registered Voter List obtained from Washtenaw County. Sixteen (16) of the signatures are probably new, registered voters.

I may have a few extra Petitions to provide to you after I stop at the post office box before our meeting at 11:00 a.m. today.

It is our belief that the number of Petition signatures allows this matter to be placed on a ballot in an upcoming election.

I have kept an extra copy of all of the Petitions in my possession at the time this letter is being dictated and request that at a minimum, you stamp as received, a copy of this letter for delivery purposes of the Referendum Petitions.

Very truly yours,


Stephen B. Foley
Attorney at Law

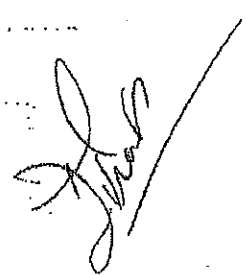
SBF/kk
Enc.

Additional Petitions:

2

Additional Signatures:

3 





SALEM TOWNSHIP

Robert Heyl, Supervisor
Paul J. Uherck, Treasurer
David Trent, Clerk
Susan Dejin, Trustee
Marcia Van Fossen, Trustee
Wayne W. Wallazy, Trustee
Brien Wilkowski, Trustee

P.O. Box 702546, Plymouth, Michigan 48170

Phone: 248.349.1690 • Fax: 248.349.9350

August 21, 2012

To: Salem Township Board of Trustees

RE: Status Report on Petitions ~ Salem Springs, LLC Rezoning

At the regular Salem Township Board of Trustees meeting held on May 8, 2012 the Board approved by majority vote an application submitted by Salem Springs, LLC for six parcels of land totaling approximately 91.6 acres north of M-14 between Napler Road and Gotfredson Road from Agriculture Residential (AR) to General Commercial (GC). Subsequently, on May 15, 2012 a "Notice of Intent" to file a petition for Referendum was delivered to my office by Norman Klein, a resident of the township and registered voter. An initial publication of the Notice of Adoption of Zoning Map Amendment was published in *AnnArbor.com*, the township's alternate paper of record, on May 20, 2012 (copy attached). This notification met the 15 day publication requirement. As a courtesy to the citizens of Salem Township a planned publication notice in the *South Lyon Herald* scheduled for May 24, 2012 was published with incorrect heading information. Follow up publications the next two weeks also included inaccuracies to one of the parcel numbers.

Due to the conflicting information that had been published between the two newspapers, and to address a concern raised by Mr. Klein's legal counsel as to the adequacy of information contained in the initial notice that lacked a reference to an ordinance number, in consultation with township legal counsel it was determined that an amended notice would be published in the *South Lyon Herald* which occurred on June 14, 2012 (copy attached). Mr. Klein then submitted an updated "Notice of Intent" to file a petition for Referendum on the same day. Thus, the 30 day timeframe for acquiring signatures began. The deadline to submit petitions fell on a weekend so the deadline was established for Monday, July 16, 2012. Mr. Foley, legal counsel for Mr. Klein, submitted 172 pages of petitions to my office on July 12 as noted by his letter (copy attached).

MCL 125.3402 outlines the criteria for determining the necessary percentage of registered electors required to file a petition: not less than 15% of the total votes cast for all candidates for governor at the last preceding general election (2010). Based on the election results certified by the Washtenaw County Board of Canvassers the total number of votes cast in 2010 for governor in Salem Township is outlined below.

SALEM TOWNSHIP
2010 GOVERNOR RACE

<u>Precinct</u>	<u>Republican</u>	<u>Democrat</u>	<u>Others</u>
1	546	162	11
2	497	189	11
3	383	117	9
AVCB	522	192	12
TOTAL	1948	660	43
GRAND TOTAL	2651		
15%	398		

The 172 pages of petitions contained 627 signatures. Several petitions were rejected due to circulator errors and other date omissions. After review of the remaining signatures within the Qualified Voter File I have determined that 587 signatures are valid. As a result, this number exceeds the minimum of 398 required to certify the Petition for Referendum.

Therefore, I have determined that Mr. Norman Klein has filed a valid Notice of Intent to file a Petition for Referendum within seven (7) days after publication of the amended Notice of Adoption of Ordinance to Amend the Official Zoning Map of Salem Township that was published on June 14, 2012 in the *South Lyon Herald*, that sufficient number of valid signatures were filed on a state approved uniform petition form and submitted before the 30 day filing deadline of July 16, 2012, and the number thereof exceeded the minimum 15% of votes cast in the last general election for governor as required by statute.

The ordinance and state statute allow the Board, contingent upon final approval of the ballot language, to determine whether the referendum should be placed on the next general election that provides sufficient time for notices and printing of ballots.

David Trent
Salem Township Clerk

K

**SALEM TOWNSHIP
WASHTENAW COUNTY, MICHIGAN**

RESOLUTION No. 2012-__

A RESOLUTION TO APPROVE BALLOT WORDING FOR THE REZONING REFERENDUM REGARDING ORDINANCE NO. 2012-05-08-01 AND TO DIRECT THE TOWNSHIP CLERK TO SUBMIT SAME TO THE COUNTY CLERK FOR INCLUSION ON THE BALLOT FOR THE NOVEMBER 6, 2012 REGULAR ELECTION.

WHEREAS, at its May 8, 2012 meeting, the Township Board adopted Ordinance 2012-05-08-01 to amend the Official Zoning Map of Salem Township to rezone Parcels A01-25-300-018, A01-25-300-019, A01-25-300-020, A01-25-300-021, A01-25-300-009, A01-25-400-007 (affecting a total of approximately 91.61 acres generally located on the north side of M-14 between Gotfredson Road and Napier Road) from Agriculture Residential (AR) to General Commercial (GC); and

WHEREAS, a notice of intent to file petition for referendum was submitted to the Township Clerk thereby delaying the effective date of Ordinance No. 2012-05-08-01; and

WHEREAS, a petition for referendum seeking to submit Ordinance 2012-05-08-01 to the electors of Salem Township for approval was submitted to the Township Clerk; and

WHEREAS, the Township Clerk received and reviewed the rezoning referendum petition and determined that the petition had been submitted within the time required by law and signed by a sufficient number of registered electors equivalent to not less than fifteen percent (15%) of the total vote cast within the zoning jurisdiction for all candidates for governor at the last preceding general election at which a governor was elected, as required by MCL 125.3402(2), and that the petition signatures were valid; and

WHEREAS, the Township Clerk has determined the rezoning referendum petition to be adequate and in compliance with the applicable requirements and laws thereby delaying the effective date of Ordinance No. 2012-05-08-01 and compelling a referendum vote by the registered electors of Salem Township to be held at the next regular election or at any special election called for that purpose, as provided in the Michigan Zoning Enabling Act, MCL 125.3402(3)(c); and

WHEREAS, the Township Board is required to place the rezoning referendum regarding Ordinance 2012-05-08-01 on the ballot at the next regular election, to have the Township electors determine whether Ordinance No. 2012-05-08-01 shall be approved and take effect; and

WHEREAS, in order to have the rezoning referendum on the ballot at the next general election on November 6, 2012, the ballot wording needs to be approved by the Township Board and submitted to the Washtenaw County Clerk by August 28, 2012;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Township Board hereby directs the Township Clerk to submit to the Washtenaw County Clerk the necessary ballot wording to place the zoning referendum regarding Ordinance No. 2012-05-08-01 on the ballot for the November 6, 2012 regular election, which ballot wording shall be in substantially the following form:

"Shall Ordinance 2012-05-08-01, adopted by the Salem Township Board of Trustees on May 8, 2012, to amend the Official Zoning Map of Salem Township to rezone Parcel Nos. A01-25-300-018, A01-25-300-019, A01-25-300-020, A01-25-300-021, A01-25-300-009, A01-25-400-007 (affecting a total of approximately 91.61 acres generally located on the north side of M-14 between Gotfredson Road and Napler Road) from Agriculture Residential (AR) to General Commercial (GC), be approved and take effect?"

2. The Township Clerk is authorized and directed to certify this Resolution, containing the foregoing zoning referendum ballot wording, to the Washtenaw County Clerk, not later than 4:00 p.m. on August 28, 2012.

3. Any and all other resolutions of the Township Board in conflict, in whole or in part, with this resolution are hereby repealed to the extent of such conflict.

AYES:

NAYS:

ABSENT:

Moved by: _____
Supported by: _____

RESOLUTION DECLARED ADOPTED.

CERTIFICATION

I, David Trent, the Clerk for Salem Township, Washtenaw County, Michigan, do hereby certify that the foregoing is a true and complete copy of Resolution No. 2012-_____ adopted by the Salem Township Board of Trustees at a special meeting legally held on August 22, 2012, at which a quorum was present. I further certify that the public notice of the meeting was given and that the meeting was conducted pursuant to and in full compliance with the Michigan Open Meetings Act, Public Act 267 of 1976, as amended, and that the minutes of the meeting were kept and will be or have been made available as required by the Act.

David Trent, Salem Township Clerk